



**EXPEDITED RULE MAKING
(Chapter 25, Laws of 2001)**

**CR-105 (7/22/01)
EXPEDITED RULE MAKING ONLY**

Agency: Office of the Insurance Commissioner

(a) Title of rule: Special Liability Reports

Purpose: Implement Chapter 22, Laws of 2002 (ESSB 6326)

Other identifying information: R 2002-09

(b) Statutory authority for adoption: RCWs 48.02.060 and 48.05.380

Statute being implemented: RCWs 48.02.060, 48.05.380 and 48.05.390

(c) Summary: RCW 48.05.380 was amended to eliminate the requirement that a property and casualty insurer must file a special liability report even when the insurer has no data or experience to report. The proposed rules reflect that legislative change. The proposed rules also reflect a change made to the form and instructions.

Reasons supporting proposal: The changes will bring the rules into accord with the new law and existing OIC practices.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Lee Barclay	Tumwater, WA	360/725-7115
2. Implementation.... Beth Berendt	Tumwater, WA	360/725-7117
3. Enforcement..... Carol Sureau	Tumwater, WA	360/725-7050

(e) Name of proponent (person or organization): Mike Kreidler, Insurance Commissioner

☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters: None

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Citation:
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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CODE REVISER USE ONLY

AND RECEIVED BY: December 24, 2002

NAME (TYPE OR PRINT)

Mike Kreidler

SIGNATURE

TITLE

Insurance Commissioner

DATE

10/23/02

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

The rule amends WAC 284-07-010 to reflect Chapter 22, Laws of 2002. Insurers who have no data or experience to report are no longer required to file a report under RCW 48.05.380 and RCW 48.05.390. Previously, insurers were required to file even when they had no information to report. Additional language changes are made to more accurately reflect OIC practices.

Does proposal change existing rules? X YES ☐ NO

If yes, describe changes:

WAC 284-07-010 is amended.

Subsection (2): The OIC no longer puts the definitions “on the form.” The form, definitions, and instructions sheet are all available on the OIC website. The change reflects that practice.

Subsection (4) is changed. The new version reflects ESSB 6326. The deleted portions are no longer needed; insurers that are not authorized to write general casualty insurance will have no data to report.

Subsection (5): The deleted subsection (5) is no longer needed. Professional reinsurers will have no data to report, so reports will not be required of them under the new subsection (4). Thus, there is no need for a reinsurer to request an exemption.

Existing subsection (6) is renumbered as (5).

AMENDATORY SECTION (Amending WSR 94-20-049, filed 9/29/94, effective 10/30/94)

WAC 284-07-010 Special liability insurance report required annually. (1) Pursuant to RCW 48.05.380, each insurer authorized to write property and casualty insurance in the state of Washington shall record and report its Washington state loss and expense experience and other data, as required by RCW 48.05.390, on a form issued by the commissioner.

(2) Each such insurer shall complete the form in accordance with the definitions and instructions (~~(on the form)~~) provided by the commissioner.

(3) Each such insurer shall submit this report to the insurance commissioner annually. The report covering the period ending December 31 of each year must be submitted no later than May 1 of the following year.

(4) (~~((Insurers not licensed to write general casualty insurance are exempt from the requirement to submit this report.))~~) If an insurer has no data or experience to report, it is not required to submit a report.

(5) (~~((Upon the written request of a professional reinsurer which never writes business anywhere on a direct basis, the commissioner may grant such reinsurer a permanent exemption from the requirement to submit this report.~~

~~(6))~~) With respect to products liability data, the commissioner finds that comparable information is included in the annual statement required by RCW 48.05.250. Therefore, products liability data shall not be reported on the form required by this section.